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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,912	08/16/2000	Greg Alan Bengault	7784-000129	3577

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/639,912	Applicant(s) BENGELT ET AL.	
	Examiner Annan Q. Shang	Art Unit 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments/Remarks with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection discussed below. This Office Action is Non-final.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by **Barrett et al (5,973,647)**.

With respect to claim 1, note the **Barrett** reference figures 1-3 and 12, discloses a high-gain antenna for a mobile passenger entertainment system and further disclose a system for providing data content to plurality of mobile platforms (Aircraft(s) 180) via at least one satellite (S-26) having at least one radio frequency (RF) transponder, and for transmitting data content from the mobile platforms via the RF transponder to a ground-based control center (Ground Communication Stations 'GCS'), comprising:

An independent mobile system (Antenna Subsystem 20/System Control/Display Station 183 Ant/SC/DS-20/183) associated with each of the Aircraft 180 and carried by Aircraft 180 (fig.12, col.4, line 54-col.5, line 7 and col.13, lines 23-41);

A ground-based antenna system (GCS Satellite Antenna, col.13, lines 58-66) associated with the ground-based content center (GCS) for transmitting encoded RF signals representative of the data content via designated RF transponder (Satellite S-26), with a plurality of transponders, where S-26 orbit over a desired geographical coverage area within Ant/SC/DS-20/183 to Aircraft 180 (col.4, line 54-col.5, line 7 and col.13, line 23-col.14, line 19);

Each of the mobile system (Ant/SC/DS-20/183) comprising:

A steerable transmit antenna (Ant-20) and steerable receive Antenna control system (inherent to Ant-20), which receives/transmits video and data signals and tracks satellites (col.5, lines 8-36, col.9, lines 35-45, col.10, lines 32-57 and col.13, line 42-col.14, line 19);

A communications subsystem or system and a data content management system (SC/DS) in communication with Ant-20 for generating baseband video signals and data signals, representative of live television programming and Internet data (col.4, line 54-col.5, line 7 and col.13, line 42-col.14, line 19) decoding and demodulating the encoded RF signals received by receive Ant-20, and for producing encoded signals from the data transmissions input by each of a plurality of occupants for filtering of portions or subset of the data content not addressed to occupants (Seat Back Video Displays 'SBVD' 184) on the mobile system (col.4, line 54-col.5, line 7 and col.13, line 42-col.14, line 19);

A network (fig.12), local area network 'LAN' and distribution system (SC/DS) for distributing the baseband video signals and the data signals output from the data management system to occupants, the network including a plurality of access stations (SBVD-184) which includes personal computing devices for Internet data services, where the individual passengers receive only specific subportions or portions of the baseband video signals and the data signals, television program and Internet data, relating to previous information selections made by passenger of SBVD-184 (col.4, line 54-col.5, line 7 and col.13, line 42-col.14, line 19); and

The independent mobile system also operating to transmit the signals input by each of the occupants from each of the access stations, via the RF transponder, to the ground-based antenna system (col.4, line 54-col.5, line 7 and col.13, line 42-col.14, line 19), note the SBVD-184 receives two-way communications signals, interactive signals such as Internet services, live news, channels, weather info, sporting events, etc.

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As to claim 6, the claimed "A system for providing real time video signals to a mobile receiving..." is composed of the same structural element that were discussed with respect to the rejection of claim 1.

As to claim 7, Barrett further discloses Ant/SC/DS-20/183, includes a plurality of integrated receiver/decoders for decoding, demodulating and digital-to-analog converting received RF signals into baseband video signals (col.4, line 54-col.5, line 7, col.6, lines 7-18 and col.13, line 23-col.14, line 1+)

As to claim 8, Barrett further discloses where the data content management system comprising Media Server and File server 268 (col.4, line 54-col.5, line 7, col.6, lines 7-18 and col.13, line 23-col.14, line 1+).

Claims 9 and 10 are met as previously discussed with respect to claim 1.

As to claim 12, , Barrett further discloses where GCS operates to transmit encoded data signals to Transponder of Satellites 26, which is associated with each Aircraft demodulates and D/A convert the RF signals to produces baseband data signals (col.4, line 54-col.5, line 7, col.6, lines 7-18 and col.13, line 23-col.14, line 1+).

As to claim 13, the claimed "system for supplying a plurality of channels of data content to a plurality of mobile platforms..." is composed of the same structural element of rejected claim 1.

Claim 14 is met as previously discussed with respect to claim 7.

Claim 15 is met as previously discussed with respect to claim 8.

Claim 16 is met as previously discussed with respect to claim 1.

Claim 17 is met as previously discussed with respect to claim 1.

As to claim 18, the claimed "system for enabling individual occupants on board a moving platform to transmit and receive data content in real time from a ground based data source..." is composed of the same structural element of rejected claim 1.

Claim 19 is met as previously discussed with respect to claim 5.

Claim 20 is met as previously discussed with respect to claim 1.

As to claim 21, the claimed "system for facilitating bi-directional communication between a ground-based control center and a plurality of mobile platforms..." contains the same structural element of rejected claim 1.

As to claim 2, Barrett further discloses where the steerable receive antenna comprising an electronically steerable, phased array antenna (figs.3, 4, col.6, lines 7-55 and col.10, line 32-col.11, line 1+)

As to claim 23, the claimed "a method of transmitting data content between mobile receiving platform and a ground-based control segment, comprising..." is composed of the same structural element of rejected claim 1.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolzien (5,761,606) discloses media online services access via address embedded in video or audio program.

Wagner et al (5,761,602) disclose hybrid multi-channel data transmission system utilizing a broadcast medium.

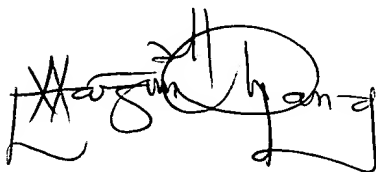
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Polivaka et al (5,463,565) disclose system for conducting video communications over satellite communication link with aircraft.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a large circular flourish at the end.

**Annan Q. Shang.**